

LINDA LINGLE
GOVERNOR

AARON S. FUJIOKA
ADMINISTRATOR



PROCUREMENT POLICY BOARD
PHYLLIS M. KOIKE
GREGORY L. KING
RUSS K. SAITO
GORDON K. T. ING
CLAIRE H. MOTODA
WINIFRED N. ODO
MYRON L. TONG

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 587-4700 Fax: (808) 587-4703
www.spo.hawaii.gov

November 6, 2003

PROCUREMENT DIRECTIVE NO. 2003-05

TO: All Chief Procurement Officers
All Executive Department Heads

FROM: Aaron S. Fujioka, Administrator
State Procurement Office

SUBJECT: Implementation of Interim Rule §3-126-11.01, HAR

A handwritten signature in black ink, appearing to read "Aaron S. Fujioka", written over the "FROM:" line of the directive.

This directive provides implementation guidance regarding possible debarments resulting from fines or convictions imposed under §§11-228 and 11-229, HRS.

The interim rule is effective November 3, 2003 and automatically will be rescinded on May 25, 2004, unless made permanent under the Chapter 91, HRS, public rulemaking process.

In applying interim rule §3-126-11.01, the debarment process will be initiated by the chief procurement officer of the state procurement office for any "person" (as defined in chapter 11, HRS) who, after the effective date of the interim rule, commits an act that is the subject of a fine or conviction under §§11-228 and 11-229, HRS.

Should there be any questions, please call me at 587-4700.

Attach. §3-126-11.01, HAR, (Interim)

cc: Mr. Robert Watada, Campaign Spending Commission
Ms. Pat Ohara, Deputy Attorney General

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendments to Chapter 3-126 (Interim)
Hawaii Administrative Rules

September 24, 2003

SUMMARY

A new §3-126-11.01 is added.

§3-126-11.01 Other causes for debarment or suspension.

(a) Debarment procedures shall be initiated for any person committing an act, after the effective date of this section, for which that person is subsequently assessed an administrative fine of \$5,000 or more by the campaign spending commission under section 11-228, HRS, or convicted of a violation under section 11-229, HRS.

(b) ``Person'' for the purposes of this section shall be as defined under section 11-191, HRS.

(c) The campaign spending commission shall provide the administrator of the state procurement office a listing of all persons fined or convicted, to include the date of the violation and date the fine or conviction was imposed.

(c) The procurement officer shall, prior to award, verify the offeror's eligibility under subsection (a).

[Eff NOV 03 2003] (Auth: HRS §103D-202) (Imp: HRS §103D-702)

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendments to chapter 3-126, Hawaii Administrative Rules, on the Summary Page dated September 24, 2003 were adopted as interim rule at the Procurement Policy Board meeting on September 24, 2003. Pursuant to section 103D-202, HRS, this section shall be issued by Procurement Directive and be effective until May 25, 2004.

This interim rule shall take effect ten days after filing with the Office of the Lieutenant Governor.

for

Phyllis M. Koike
PHYLLIS M. KOIKE
Chairperson
Procurement Policy Board

Russ K. Saito
RUSS K. SAITO
Comptroller

APPROVED AS TO FORM:

Robert A. ...
Deputy Attorney General